

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**THE PLAINTIFFS' STEERING COMMITTEE'S PROPOSED AGENDA
FOR THE DECEMBER 8, 2016 STATUS CONFERENCE AND DISCOVERY HEARING**

The Plaintiffs' Steering Committee ("PSC") proposes the following agenda for the December 8, 2016, status conference (before Judge Boal at 11:30 a.m. and Judge Zobel at 2:00 p.m.). The remaining defendants and the plaintiffs' groups identified below have been given an opportunity to comment on this proposed agenda.

A. REPORT TO THE COURT

1. Status of payments from Tort Trust
Tort Trustee Lynne Riley
 - a. Status report
2. Status of Specialty Surgery cases
14 cases; Gerard Stranch; Chris Tardio
 - a. Opinion on Specialty Surgery Motion to Dismiss [Dkt. 3188]
3. Status of Box Hill cases
8 cases; Michael Coren & Jay Miller (Plaintiffs); Greg Kirby (Defendants)
 - a. Box Hill and Plaintiffs' Notice of Proposed Bellwether Candidate Cases [Dkts. 3202 and 3206]
 - b. Plaintiffs' Motion to Consolidate for Trial [Dkts. 3203 and 3204] – Briefed by Box Hill Plaintiffs
 - c. Defendants' Opposition (forthcoming)
 - d. Order on Motion to Compel Non-Party Barbara Wagner [Dkt.

- 3186] – Ruled on by Judge Boal; documents produced and counsel are coordinating scheduling of continuation of deposition in light of Ms. Wagner having sustained an injury
- e. Joint Motion to Modify Common Expert Discovery Deadlines [Dkt. 3201] – Ruling requested by parties
 - f. Plaintiffs’ and Defendants’ Motion for Leave to Appear at Status Conference and Motions Hearing by Telephone [Dkts. 3208 and 3209]
4. Status of Ocean State cases
- 2 cases: Timothy Wickstrom, Deborah Gresco-Blackburn; Sean Capplis¹*
- a. Plaintiffs’ Proposed Scheduling Order [Dkt. 3142]
 - b. Ocean State Response [Dkt. 3165]
5. Status of directly-filed cases:
- a. Janet Jenner and Suggs cases
- 3 cases remaining: Kim Dougherty; Tony Abeln (APAC); Clare Carroll (MAPS); Cynthia Palin (Encino)*
- i. Plaintiffs’ counsel filed motions to withdraw in the cases against APAC and MAPS. Plaintiffs continue to attempt to locate new counsel and are making progress.
 - ii. Plaintiff Palin filed a Stipulation of Voluntary Dismissal
- b. Premier cases
- 3 cases: John Thornton; Chris Wolk*
- i. *Guzman v. NECC*, 1:12-cv-12208 – Parties have agreed to dismiss case
 - ii. *Parkell v. UniFirst Corp.*, 1:14-cv-13640 – Parties have agreed to transfer to New Jersey District Court
 - iii. *Drain v. UniFirst Corp.*, 1:14-cv-13673 – Parties have agreed to transfer to New Jersey District Court

¹ All directly filed cases are listed in Notice by the PSC of Cases Filed Directly in the District of Massachusetts [Dkt. 3065].

- c. Other directly-filed Andrews Thornton and Higgins Razmara cases
3 cases, John Thornton; various defense counsel
 - i. *Gibson v. Liberty Industries*, 1:14-cv-11856 – Parties have agreed to transfer to Ohio District Court
 - ii. *Patel v. OSMC*, 1:14-cv-13708 – Parties have agreed to dismiss case
 - iii. *Moore v. UniFirst*, 1:14-cv-13027 – Parties have agreed to dismiss case
- 6. Status of St. Thomas settlement
Gerard Stranch; Chris Tardio & Yvonne Puig
 - a. Status Report ²
 - b. Amended qualified protective orders regarding information from third party payors and Medicaid agencies [Dkts. 3189 and 3190]
- 7. PSC's Motion for Distribution of Common Benefit Fees and Expenses [Dkt. 3105]
 - a. PSC's Revised Proposed Allocation [Dkt. 3129]
 - b. No oppositions filed (October 24, 2016 deadline)
 - c. PSC's Notice of Filing Proposed Order [Dkt. 3192]
 - d. Responses regarding common benefit distribution [Dkts. 3194 and 3198]
 - e. PSC response regarding motion for relief and responses regarding common benefit distribution [Dkt. 3205]
 - f. Motion for Relief Regarding Delay in Settlement Payments [Dkt. 3195]

B. OTHER MATTERS

- 8. Order regarding Motion for Discovery by Glenn Chin [Dkt. 3187]
- 9. PSC's Notice Regarding Discovery Information Stored in Rust/Omni and U.S. Legal Repositories [Dkt. 3207]

² The numerous motions stayed pending the St. Thomas settlement are listed in previous agendas.

10. Post-Confirmation Officer's Notice Regarding Further Relief From Preservation Order [Dkt. 3136]
11. Preservation Request in Response to Post-Confirmation Officer's Notice Regarding Further Relief From Preservation Order [Dkt. 3164]
12. Post-Confirmation Officer's Objection to Preservation Request [Dkt. 3182]

C. FUTURE STATUS CONFERENCES

10. January 10, 2017, 2:00 p.m.

Dated: December 6, 2016

Respectfully submitted,

/s/ Kristen A. Johnson

Thomas M. Sobol, BBO # 471770

Kristen A. Johnson, BBO # 667261

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*Plaintiffs' Lead Counsel on behalf of the
Plaintiffs' Steering Committee*

CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: December 6, 2016

/s/ Kristen A. Johnson

Kristen A. Johnson (BBO# 667261)